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Zoning Rewrite Module 3

Article 5: Subdivision & Development Plan Standards + Article 6: Administration (Review Processes)

May 2023

Presentation Topics

- Zoning Rewrite Process Overview
- Module 3 Introduction and Overview

For an introduction to Cville Plans Together and the Zoning Rewrite, please view the Module 1 Presentation, available at **CvillePlansTogether.com/draft-zoning**

Overview

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What we're sharing with you & input we are seeking

- **Sharing**: Draft Zoning Ordinance
- **Seeking**: Input about the draft Zoning Ordinance – questions & comments

How we will use & share feedback

- We are considering feedback as possible adjustments to the draft zoning ordinance
- We will share a summary of feedback

Timeline

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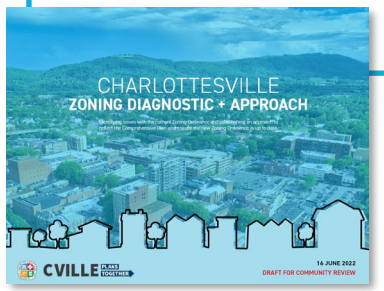
Early-Mid 2022

Overview of zoning ordinance changes that are needed, and the proposed approach to the updates



Late 2022 - Early 2023

Draft, obtain community input on, and revise draft zoning ordinance modules

Late Summer/ Fall 2023

Hearings and adoption of updated zoning ordinance

Community outreach and input milestones (Summer 2022, Early 2023, Late Summer/Fall 2023).

Engagement Process

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June 14 Open House
@ CitySpace (100 5th St NE)
4:30-7:30pm

Find more information on the website:
CvillePlansTogether.com

Open Houses

Recorded Presentations

Group & Neighborhood Meetings

Steering Committee & Planning Commission Meetings

Cville Plans Together Team Review & Revision

Planning Commission & City Council Public Hearings

Share Your Comments

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Option 1: Complete the Online Feedback Form

- Find the form at CvillePlansTogether.com/draft-zoning

Option 2: Send comments via email

- Engage@cvilleplanstogether.com (or contact the Cville Plans Together team via the website)

Option 3: Send comments via mail

- Neighborhood Development Services, City Hall, P.O. Box 911, Charlottesville, VA 22902

Current Planned Adjustments

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Based on feedback from the Planning Commission and Council, as well as input from the Technical Team (City staff and consultant team) we are planning revisions to Module 2, including (but not limited to):

- Lighting section updates (dark skies best practices)
- Block, access, and street standards moved out of Module 2 to Module 3

We are continuing to review community feedback, and additional changes may be added.

What is a “Module”?

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- We shared the draft Zoning Ordinance in three parts, or “modules”.
- Each module contains sections of the Zoning Ordinance.

Module 1

- **Zoning Districts, Rules of Measurement, Use Table, Zoning Map**
- *Available now*

Module 2

- **Development Standards (landscaping, parking, signs, lighting, etc.)**
- *Available now*

Module 3

- **Subdivision & Development Plan Standards; Zoning Administration (review processes)**
- *Available now*

Module 3 Contents

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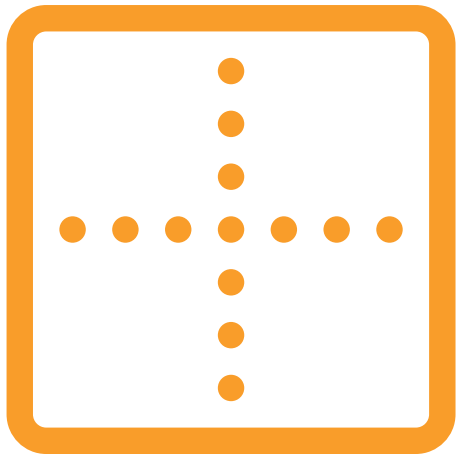
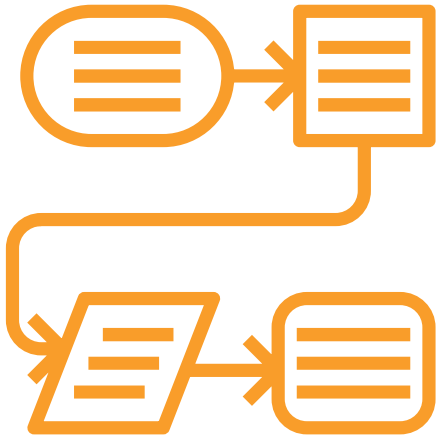


Article 5: Subdivision and Development Plan Standards

- General Provisions
- Subdivision
- Blocks & Access
- Streets
- Utilities
- Fees & Dedications

Parts of this Article were originally contained in Module 2



Article 6: Administration

- Authority
- Approval Processes
- Nonconformities
- Enforcement

We shared one part of this at the Module 2 Open Houses – the "Table of Authority," which summarizes the review and approval authority

Review Module 3 & Related Materials

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CvillePlansTogether.com/draft-zoning

General Materials:

1. **Zoning FAQ:** PDF
2. **Final Zoning Diagnostic + Approach Report:** PDF
    - This document was shared and discussed with the community in summer 2022 and was finalized following a work session with City Council and Planning Commission in fall 2022.

» **Review Module 1 (Draft Zoning Districts, Uses, and Map)**

» **Review Module 2 (Draft Development Standards)**

» **Review Module 3 (Subdivision & Development Plan Standards; Zoning Administration)**

How to Use Subdivision & Development Plan Stds. Pages

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- Applicability Table defines which standards apply, and when (depending on the project type)

		PROJECT TYPE							
STANDARDS		Subdivision	New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Subdivision	*Sec. XX.XX*	●	○	○	○	○	○	○	○
Blocks and Access	*Sec. XX.XX*	●	●	○	●	○	○	○	○
Streets	*Sec. XX.XX*	●	●	○	●	○	○	○	○
Utilities	*Sec. XX.XX*	●	●	○	●	○	○	○	○
Fees and Dedications	*Sec. XX.XX*	●	●	○	●	○	○	○	○

KEY: ● = Standards generally apply ○ = Standards do not apply

Key Updates: Subdivision

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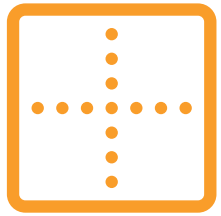
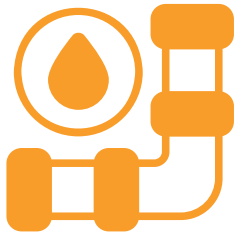


Lots

- Standards for creating regularly shaped lots
- Standards for lots to front on streets



Easements

- Standards for utility access (Ex: water and sewer lines, stormwater drainage)
- Standards for vehicle and pedestrian access (Ex: cross-access, driveways, walkways)

Key Updates: Blocks, Access, Streets

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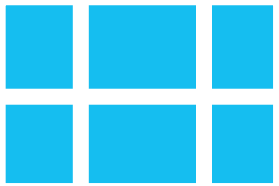

Blocks and Access

- Standards from Module 2 (Development Standards) integrated into Article 5

Streets

- Standards from Module 2 (Development Standards) integrated into Article 5

Utilities

- Standards from current code (Chapter 29) integrated into Article 5

Fees and Dedications

- Standards from current code (Chapter 29) integrated into Article 5

How to Use the Administration Pages

CVILLE PLANS TOGETHER

- The Table of Authority summarizes the review and approval authority of various review bodies and officials that implement and administer the Code.

DIV. 6.1. **AUTHORITY**

6.1.1. **Summary of Review Authority**

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Code.

		REVIEW AND APPROVAL AUTHORITY						PUBLIC NOTICE			
APPROVAL PROCESSES		Zoning Administrator	Subdivision Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council	Mailed	Published	Posted	Website
Comprehensive Plan Review											
Comprehensive Plan Adoption	Sec. XX.XX	R				R-PH	D-PH		Y		Y
Comprehensive Plan Amendment	Sec. XX.XX	R				R-PH	D-PH		Y		
Review of Public Facilities	Sec. XX.XX	R				D	A				
Zoning Amendment	Sec. XX.XX										
Zoning Text Amendment		R				R-PH	D-PH		Y		
Zoning Map Amendment (Rezoning)											
1 to 25 parcels		R				R-PH	D-PH	Y	Y	Y	
More than 25 parcels		R				R-PH	D-PH		Y		
Historic Review											
Minor Historic Review	Sec. XX.XX	D		A							
Major Historic Review	Sec. XX.XX	R		D			A		Y	Y	
Corridor Review	Sec. XX.XX	D				A					
Development and Subdivision Review											
Development Plan	Sec. XX.XX	D				A					
Minor Subdivision	Sec. XX.XX		D			A					
Major Subdivision	Sec. XX.XX										
Preliminary Plat			R			D					
Final Plat			D			A					

KEY: R = Review / Recommend D = Final Decision -PH = Public Hearing -PM = Public Meeting A = Appeal
Y = Required Notice Y* = Required Notice for Appeals

		REVIEW AND APPROVAL AUTHORITY						PUBLIC NOTICE			
APPROVAL PROCESSES		Zoning Administrator	Subdivision Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council	Mailed	Published	Posted	Website
Permit Review	Sec. XX.XX										
Tree Removal Permit		D			A-PH				Y*		
Floodplain Permit		D			A-PH				Y*		
Sign Permit		D			A-PH				Y*		
Temporary Use Permit		D			A-PH				Y*		
Relief											
Administrative Modification	Sec. XX.XX	D			A-PH			Y	Y*		
Variance	Sec. XX.XX	R			D-PH			Y	Y	Y	
Floodplain Variance	Sec. XX.XX	R			D-PH			Y	Y	Y	
Special Use Permit	Sec. XX.XX	R				R-PH	D-PH	Y	Y	Y	
Critical Slopes Special Exception	Sec. XX.XX	R				R-PM	D-PM	Y			Y

KEY: R = Review / Recommend D = Final Decision -PH = Public Hearing -PM = Public Meeting A = Appeal
Y = Required Notice Y* = Required Notice for Appeals

How to Use the Table of Authority

CVILLE PLANS TOGETHER

- Example: Zoning Amendment

APPROVAL PROCESSES		REVIEW AND APPROVAL AUTHORITY						PUBLIC NOTICE			
		Zoning Administrator	Subdivision Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council	Mailed	Published	Posted	Website
Zoning Amendment	*Sec. XX.XX*										
Zoning Text Amendment		R				R-PH	D-PH		Y		
Zoning Map Amendment (Rezoning)											
1 to 25 parcels		R				R-PH	D-PH	Y	Y	Y	
More than 25 parcels		R				R-PH	D-PH		Y		

How to Use Approval Process Pages

CVILLE PLANS TOGETHER

6.2.10. Minor Subdivision

A. Applicability

1. Minor Subdivision applies to the division of land for the purpose of sale, lease, or building development when:
   a. No more than 5 zoning lots are created;
   b. Zoning lots are subdivided into sublots; and
   c. No new street or right-of-way is created to serve the project.
2. Minor Subdivision applies to boundary line adjustments.

B. Application Requirements

1. Pre-Application Conference

a. Before submitting a Minor Subdivision application, an applicant must schedule a pre-application conference with the Subdivision Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Zoning Administrator.

b. At the pre-application conference, the Subdivision Administrator will determine if the application qualifies as a Minor Subdivision. If the Subdivision Administrator determines the application qualifies as a Major Subdivision, the application will be processed according to the procedures in *Sec. XX, Major Subdivision*.

2. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Subdivision Administrator. Other general submittal requirements for all development review applications are listed in *Sec. XX, Common Review Procedures*.

C. Review and Decision Process

1. Administrative Decision

a. Once the Subdivision Administrator determines the application is complete, the Subdivision Administrator will review the proposed application against the requirements of this Code and other applicable technical requirements of the City.

b. In reviewing the application, the Subdivision Administrator will distribute the application for consultation and review by other City departments.

c. Following review, the Subdivision Administrator will approve, approve with conditions, that bring the application into conformance with this Code and other technical requirements of the City, or deny the application.

d. Review Time

i. The Subdivision Administrator must act on any Final Plat application within 60 days after the complete application has been officially submitted for approval, or within 45 days after the application has been modified, corrected, and resubmitted for approval.

ii. If approval of a feature of a Final Plat application by a state agency is necessary, the Subdivision Administrator must forward the application to the state agency within 10 days of receipt of such application, and the Subdivision Administrator must act on the application within 35 days of receipt of approvals from all state agencies.

D. Criteria for Boundary Line Adjustments

1. The boundary lines of any lot or parcel of land may be vacated, relocated, or otherwise altered by recordation of a deed or boundary line adjustment plat, without vacation of a recorded plat, provided that no easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered without the express consent of all persons holding any interest therein, and such consent must be evidenced by the signatures of such persons on the deed.
2. The action must not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. The deed reflecting the boundary line adjustment will reference the recorded plat by which the applicable lot lines were originally created, and the deed must be approved in writing, on its face, by the City Attorney.
3. The lots affected by a boundary line adjustment must have been:
   a. Part of an otherwise valid and properly recorded and approved subdivision plat; or
   b. Part of a properly recorded deed prior to the adoption of the first subdivision ordinance of the City that required an approved subdivision plat under the applicable circumstances.

E. Action After the Decision

1. Permits for Construction

Upon approval of a Development Plan, permits for construction required by the City Code of Ordinances Chapter 5 - Building Regulations; Property Maintenance and Chapter 10 - Water Protection may be prepared and submitted.

2. Appeal of Decision

For applications decided by the Subdivision Administrator, the applicant will have 10 days from the date of the director's decision to appeal the decision to the Planning Commission, in accordance with the *Code of Virginia § 15.2-2259*.

Key Updates: Approval Processes

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Entrance Corridors

- Review by the Zoning Administrator, appeals to the Planning Commission

Development Plans

- Required for additions and new construction to check zoning compliance
- Then project developer can apply for engineering and building permits

Tree Removal Permit

- Allows for review for compliance with minimum tree canopy requirements

Administrative Modification

- Allows Zoning Administrator to approve up to 10% modification to some dimensional standards
- Does not allow for any modification to standards such as density, height, development bonuses, or use standards

Public Process

- Requirements for community meetings and public hearings in relation to development proposals are set according to state law – extra meeting requirements are removed.

Key Updates: Nonconformities & Enforcement

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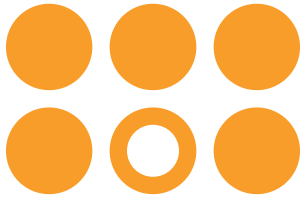

Nonconformities

- Standards for existing lots, buildings or structures, and uses
- Includes rules for ability to continue, permitted changes, ability to expand, and allowed alterations or replacement

Enforcement

- Standards from current code (Chapters 29 and 34) incorporated in Article 6

Thank you!

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CvillePlansTogether.com/draft-zoning/